

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REVISING CERTAIN TRANSPORTATION LAWS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The Commissioner of
2 Transportation or his designee, is authorized to
3 sit as a member of the board of TRANSCOM, a
4 consortium of transportation organizations and
5 agencies which coordinates regional public or
6 private sector transportation systems to provide:
7 (1) The highest possible quality of transportation
8 services at the lowest practicable cost to all
9 persons needing such services; (2) the most
10 advanced coordinated programs possible in
11 transportation services; (3) the coordination of
12 transportation services to eliminate to the
13 greatest possible degree both unnecessary
14 duplication and incomplete coverage in the
15 provision of such services; (4) the greatest
16 possible state-wide or regional integration of
17 transportation service programs; and (5) the
18 education of the public as to the transportation
19 needs of the state and the goals of TRANSCOM
20 developed to meet these needs.

21 (b) The commissioner, or his designee, may
22 enter into such contracts and other agreements
23 that shall further the purposes of TRANSCOM,

24 provided nothing shall obligate the commissioner,
25 or his designee, sitting as a member of the board
26 of TRANSCOM, to undertake or participate in any
27 activity, which the commissioner, or his designee,
28 acting in his sole discretion, determines to be in
29 violation of the general statutes.

30 Sec. 2. Section 13a-95 of the general
31 statutes is repealed and the following is
32 substituted in lieu thereof:

33 The commissioner may, at any time, call for
34 bids to construct, alter, reconstruct, improve,
35 relocate, widen or change the grade of sections of
36 state highways or bridges. All bids shall be
37 submitted on forms provided by the commissioner
38 and shall comply with the rules and regulations
39 provided in the specifications. The commissioner
40 shall state the amount of the bond which shall
41 accompany each bid and shall name the place where
42 bids shall be received and the time and place for
43 opening the same. Each bid shall be accompanied by
44 a surety company bond satisfactory to the
45 commissioner and in such sum as he determines, and
46 shall be so conditioned that, if the contract is
47 awarded to the bidder, he shall, when required by
48 the commissioner, execute an agreement in writing,
49 to be prepared by said commissioner, with such
50 bond as shall be acceptable to the commissioner,
51 conditioned as provided in section 49-41, AS
52 AMENDED. The commissioner may reject any and all
53 bids if, in his opinion, cause exists therefor;
54 but otherwise he shall award the contract to the
55 lowest bidder whom he deems responsible. THE
56 LOWEST BIDDER IS DEFINED AS THE BIDDER WHO HAS
57 SUBMITTED TO THE DEPARTMENT THE LOWEST TOTAL
58 DOLLAR VALUE TO COMPLETE THE WORK SPECIFIED,
59 UNLESS THE COMMISSIONER IS UTILIZING A+B BIDDING
60 TO DETERMINE THE LOWEST BIDDER. THE COMMISSIONER
61 SHALL STATE THAT A+B BIDDING IS BEING USED AT THE
62 TIME OF THE ADVERTISEMENT FOR BIDS. FOR PURPOSES
63 OF THIS SECTION, "A+B BIDDING" MEANS A METHOD BY
64 WHICH THE LOW BIDDER FOR AWARD OF A CONTRACT IS
65 BASED ON A COMBINATION OF (A) THE BID OR DOLLAR
66 VALUE OF THE CONTRACT ITEMS, AND (B) THE TIME
67 VALUE OF THE CONTRACT BASED ON THE TOTAL NUMBER OF
68 CALENDAR DAYS REQUIRED TO COMPLETE THE PROJECT AS
69 ESTIMATED BY THE BIDDER MULTIPLIED BY THE COST PER
70 DAY STIPULATED IN THE CONTRACT. THE VALUE OF THE
71 CONTRACT WHICH IS AWARDED IS EQUAL TO THE "A"

72 PORTION OF THE BID. The successful bidder shall
73 give evidence satisfactory to said commissioner of
74 his ability to perform the contract. When such
75 contract is executed by the commissioner and the
76 successful bidder, a copy of the contract, with an
77 estimate of the cost of the work, shall be
78 forthwith filed with the commissioner.

79 Sec. 3. Section 13a-124a of the general
80 statutes is repealed and the following is
81 substituted in lieu thereof:

82 (a) As used in this section, "specific
83 information sign" means a rectangular sign with
84 the word GAS, FOOD, LODGING, or CAMPING and exit
85 directional information pertaining to the
86 designated motorist service placed at the top of
87 the sign and upon which is mounted separately
88 attached business signs showing the brand, symbol,
89 trademark or name, or any combination of these,
90 for the designated service available on a
91 crossroad at or near an interchange or
92 intersection.

93 (b) The Commissioner of Transportation may
94 issue permits for the erection and maintenance of
95 specific information signs and business signs
96 within the rights-of-way of any portion of a
97 state-maintained limited access highway, except a
98 parkway. The commissioner shall not issue any such
99 permit to any person or company until such person
100 or company files with the commissioner a bond or
101 recognizance to the state, satisfactory to the
102 commissioner and in such amount as the
103 commissioner determines, subject to forfeiture
104 upon failure to comply with (1) the requirements
105 of this section, (2) regulations adopted pursuant
106 to this section, or (3) any orders of the
107 commissioner relating to the erection and
108 maintenance of specific information signs and
109 business signs. Any such bond or recognizance
110 shall remain in full force and effect so long as
111 such person or company is subject to any such
112 requirements, regulations or orders as provided in
113 this section.

114 (c) ANY PERSON OR COMPANY ISSUED A PERMIT IN
115 ACCORDANCE WITH SUBSECTION (b) OF THIS SECTION
116 SHALL BE REIMBURSED, BY SUBSEQUENT PERMITTEES ON
117 THE SAME SIGN, AN AMOUNT EQUALING THE NUMBER OF
118 OTHER PERMITTEES ON SAID SIGN DIVIDED BY THE COSTS
119 ASSOCIATED WITH SAID SIGN.

120 [(c)] (d) The commissioner shall adopt
121 regulations in accordance with chapter 54 to carry
122 out the purposes of this section. Such regulations
123 shall include, but not be limited to,
124 establishment of (1) fees for the permits issued
125 under subsection (b) of this section, [and] (2)
126 REIMBURSEMENTS ISSUED PURSUANT TO SUBSECTION (c)
127 OF THIS SECTION, AND (3) standards for the
128 location, size and maintenance of specific
129 information signs and business signs.

130 Sec. 4. Section 14-261a of the general
131 statutes is repealed and the following is
132 substituted in lieu thereof:

133 (a) A commercial vehicle combination may be
134 operated, by any person who holds (1) an endorsed
135 commercial driver's license, (2) a CDL equivalent
136 license, (3) an endorsed class 1 license, or (4)
137 an operator's license issued by another state
138 authorizing such person to operate a commercial
139 vehicle combination, together with an endorsement
140 issued by the Commissioner of Motor Vehicles in
141 accordance with the provisions of subsection (b)
142 of this section, on highways which are part of the
143 National System of Interstate and Defense Highways
144 and those sections of the Federal-Aid Primary
145 System which are divided highways with four or
146 more lanes and full control of access, which
147 highways and sections are designated by the
148 Secretary of the federal Department of
149 Transportation pursuant to the Surface
150 Transportation Assistance Act of 1982, as amended,
151 provided the Commissioner of Transportation shall
152 impose reasonable restrictions consistent with
153 federal law. The Commissioner of Transportation
154 may permit the operation of a commercial vehicle
155 combination, defined as "specialized equipment" in
156 the Code of Federal Regulations Title 23, Part
157 658, as amended, AND SEMITRAILERS AS DESCRIBED IN
158 SUBSECTION (c) OF SECTION 14-262, by any person
159 holding a license to operate a commercial vehicle
160 combination as provided in this section, on any
161 other highway in order to allow the vehicle
162 reasonable access to terminals, facilities for
163 food, fuel, repairs and rest, and points of
164 loading and unloading for household goods
165 carriers. If a commercial vehicle combination
166 consists of two semitrailers or a trailer drawing
167 a semitrailer, such trailers shall be coupled by a

168 converter dolly or a type of dolly approved by the
169 Commissioner of Motor Vehicles.

170 (b) The Commissioner of Motor Vehicles shall
171 establish an endorsement for persons who are
172 eligible to operate a commercial vehicle
173 combination but do not hold an endorsed commercial
174 driver's license, a CDL equivalent license, or a
175 class 1 license. To obtain such endorsement, the
176 operator shall demonstrate personally to the
177 commissioner, his deputy, a motor vehicle
178 inspector or an agent of the commissioner that he
179 (1) has held a license issued by another state for
180 at least three years which permits him to operate
181 a commercial vehicle combination, (2) has a level
182 of motor vehicle operating experience satisfactory
183 to the commissioner, including but not limited to,
184 passing a commercial vehicle combination driving
185 test conducted by the commissioner, and (3) has
186 not violated any of the provisions of section
187 14-219, 14-222 or 14-224, AS AMENDED, or
188 subsection (a) of section 14-227a, or any similar
189 provisions of the laws of any other state or any
190 territory, within a three-year period, or been
191 convicted of, or forfeited any bond taken for
192 appearance for, or had his case nolledd upon
193 payment of any sum of money in connection with, or
194 received a suspended judgment or sentence for, a
195 violation of any of said provisions within a
196 three-year period, or a second violation within a
197 twelve-month period of the provisions of sections
198 14-230 to 14-249, inclusive, or of any similar
199 provisions of the laws of any other state or any
200 territory, or been held or found criminally
201 responsible in connection with any motor vehicle
202 accident resulting in the death of any person,
203 provided the commissioner may waive the
204 requirement of a driving test under subdivision
205 (2) of this subsection for any applicant for an
206 endorsement who demonstrates to the commissioner
207 that he has had at least three years experience in
208 operating commercial vehicle combinations or that
209 he held a valid class 1A license on June 1, 1989.
210 Each person holding a valid class 1A license on
211 June 1, 1989, shall, not later than December 31,
212 1989, surrender such license to the commissioner
213 who shall thereupon issue an endorsement to such
214 person.

215 (c) (1) The Commissioner of Motor Vehicles
216 shall establish a commercial vehicle combination
217 safety inspection program under which each
218 commercial vehicle combination subject to safety
219 inspection shall be examined or tested with
220 respect to the operation, condition or performance
221 of its brakes, tires, wheels, mirrors, operating
222 controls, glazing, lighting devices, suspension,
223 steering, exhaust system and electrical system.
224 After the initial inspection of each commercial
225 vehicle combination, the commissioner shall
226 provide for a system of staggered annual
227 inspections for such vehicles.

228 (2) On and after July 14, 1984, no commercial
229 vehicle combination shall be operated in the state
230 unless it displays a currently valid certificate
231 of inspection issued under this section or an
232 equivalent certificate issued by another state,
233 provided (A) any vehicle which is subject to
234 registration and inspection in the state and which
235 has been outside the state continuously for thirty
236 days or more and which, at the time of reentering
237 the state, does not bear a currently valid
238 certificate of inspection may be operated in the
239 state for a period of ten days after reentering
240 the state, (B) any vehicle may be operated in the
241 state for a period of ten days after its sale or
242 resale, and (C) the Commissioner of Motor Vehicles
243 may allow commercial combination vehicles to
244 operate while displaying a certificate of
245 inspection on the tractor portion of such vehicle
246 only, provided the person, firm, corporation or
247 association which operates such vehicle has
248 established a preventive maintenance program
249 approved by the commissioner.

250 (d) The Commissioner of Motor Vehicles shall
251 adopt regulations in accordance with the
252 provisions of chapter 54 to carry out the purposes
253 of this section.

254 (e) Any person operating a commercial vehicle
255 combination in violation of any provision of
256 subsection (a), (b) or (c) of this section or any
257 regulation adopted thereunder shall be fined [five
258 hundred] ONE THOUSAND dollars for each offense.
259 The Commissioner of Motor Vehicles shall also
260 suspend, for sixty days, the motor vehicle
261 registration certificate, privilege to operate or
262 operator's license of any such person.

263 Sec. 5. The segment of Route 9 running from
264 the junction of Interstate Route 91 in Cromwell in
265 a generally westerly direction to the junction of
266 Route 571 in Berlin shall be designated the
267 "Korean War Veterans Memorial Highway".

268 Sec. 6. The length of Route 571 in Berlin and
269 the segment of Route 372 running from Route 571 in
270 Berlin in a generally westerly direction to the
271 junction of Route 72 in the Forestville section of
272 Plainville shall be designated the "Polish Legion
273 of American Veterans Memorial Highway".

274 Sec. 7. This act shall take effect from its
275 passage, except that sections 1 to 4, inclusive,
276 shall take effect October 1, 1998.

277 STATEMENT OF LEGISLATIVE COMMISSIONERS: In section
278 1, the reference to "commissioner" was changed to
279 "Commissioner of Transportation" for accuracy of
280 reference and commas were added throughout the
281 bill to comply with rules of grammar. In section 2
282 "SUCH BIDDING METHOD" was changed to "A+B BIDDING"
283 for clarification of reference.

284 TRA COMMITTEE VOTE: YEA 22 NAY 0 JFS C/R JUD
285 JUD COMMITTEE VOTE: YEA 39 NAY 0 JFS-LCO

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5369

STATE IMPACT Minimal Cost and Revenue Gain,
 Minimal Workload Impact, see
 explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Department of Transportation,
 Judicial Department

EXPLANATION OF ESTIMATES:

Passage of this bill is not expected to have significant impacts on any state agency. Below is a brief summary of each section and its corresponding fiscal impact.

Section 1 - Since the DOT is a state member of the TRANSCOM coalition, no fiscal impact is anticipated by allowing the Commissioner to sit on the board.

Section 2 - This legislation will permit the Commissioner to identify projects in which "A and B" bidding will be a benefit to the state. It would not allow the contractor to increase the time to complete the contract above that specified by the DOT for completion. Moreover, the traditional low bid method of construction contracting will not be replaced. The alternative method would improve the project delivery process. It is anticipated that this provision could result in shorter construction time periods, reduced traffic congestion, improved safety and administrative cost savings for the Department.

Section 3 - No cost for the DOT is anticipated. The reimbursement provision in the bill would affect

businesses authorized to have logos on the same sign. The amended regulations would be completed by the DOT within existing resources.

Section 4 - Including semitrailers in the definition of commercial vehicle combination would conform with federal law. It could also minimally increase the issuance of the \$5 tandem endorsements.

The increase in the fine from \$500 to \$1000 per offense for commercial vehicle combinations would discourage violators. A minimal revenue gain to the General Fund could be anticipated.

Section 5 - Commemoratively naming a segment of Route 9 the "Korean War Veterans Memorial Highway" would have no cost impact. However, if signs are required to be erected, the cost to the DOT would be \$10,000 for two (2) signs, - one sign in each direction. The cost covers the concrete foundations, steel supports and labor.

Section 6 - Commemoratively naming a segment of Route 372 in Berlin from Route 571 to Route 72 in the Forestville section of Plainville the "Polish Legion of American Veterans Memorial Highway" would have no cost impact. However, if signs are required to be erected, the costs would be: 1) \$500 for the eastbound sign on the two-lane roadway from Route 372 to the Forestville section in Plainville and 2) \$5,000 for the westbound sign on the SR 371 expressway.

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OLR BILL ANALYSIS

SHB 5369

AN ACT REVISING CERTAIN TRANSPORTATION LAWS

SUMMARY: This bill makes several changes to laws affecting the operations, activities, and programs of the Department of Transportation (DOT). Specifically, it:

1. allows the DOT to engage in an alternate construction contract bid award process, known as "A +B" bidding, that takes into account

both actual cost of contract items and time to complete work;

2. allows the DOT commissioner to sit on the board of and make contracts and agreements with a regional consortium of transportation organizations and agencies known as TRANSCOM;
3. allows 53-foot long semitrailers to operate on the same designated highway network, and gives them the same reasonable access off the network to terminals and services, as the law allows for commercial vehicle combinations (twin trailers) and other specialized equipment covered under federal law provided the 53-foot trailer is being driven by someone with a commercial driver's license endorsed for tandem trailer operation;
4. increases the fine from \$500 to \$1,000 per offense for commercial vehicle combinations (but apparently not 53-foot trailers) violating the highway system use and other laws applying to them;
5. requires a permittee participating in the logo sign program to be reimbursed by businesses subsequently authorized to have logos on the same sign; and
6. names the segment of Route 9 from the junction with I-91 in Cromwell to the junction with Route 571 in Berlin the "Korean War Veterans Memorial Highway" and the segment of Route 372 in Berlin from Route 571 to the junction with Route 72 in the Forestville section of Plainville the "Polish Legion of American Veterans Memorial Highway."

EFFECTIVE DATE: October 1, 1998 except for the commemorative road namings which are effective upon passage

FURTHER EXPLANATION

A + B Bidding

Currently, the DOT must award its construction

contracts to the lowest responsible qualified bidder, e.g, the entity that is qualified to build the project and bids the lowest overall price for the contract. The bill allows the DOT to use an alternate method for awarding construction contracts known as A +B or cost-plus-time bidding. The commissioner must notify bidders at the time the contract is advertised for bids that the A + B method will be used.

Under the A + B method, bidders must submit bids based on a combination of the dollar value of contract items (the A portion) and the time value of the contract based on the total number of days the bidder estimates are required to complete the project multiplied by a cost per day for the project established by the DOT in the contract specifications (the B portion). The contract must be awarded to the bidder submitting the lowest combined bid, but the actual amount awarded in the contract would be equal to the A portion of the contract. This is a contract awarding mechanism that has been used in some jurisdictions to reduce contract completion times and the construction-related traffic congestion that can result.

TRANSCOM

TRANSCOM is a consortium of transportation agencies and toll authorities in the New York, New Jersey, and Connecticut region that currently operates administratively under the organizational structure of the Port Authority of New York and New Jersey. The consortium is considering reorganizing as a nonprofit corporation. The bill allows the transportation commissioner to sit on the TRANSCOM board and make contracts and agreements to further its purposes. This affiliation does not obligate the commissioner to engage in any activity he deems violates Connecticut law.

Operation of 53-Foot Semitrailers

The law already allows semitrailers that are up to 53 feet long and meet certain wheelbase requirements to operate on the Interstate Highway System and up to one mile off the interstate highways to get to and from terminals, services, and points of loading and unloading. He can allow them on additional routes if operators apply and qualify for DOT permits.

The bill includes these semitrailers on a broader network of highways designated for the operation of tandem trailers and other types of specialized highway equipment covered by federal mandate. This broader network includes non-interstate limited access highways that are at least four lanes and included on the National Highway System designated under federal law. Specifically, this includes sections of Routes 2, 8, 9, 20, and 401.

The bill increases the fine for commercial vehicle combinations operating in violation of statutory requirements from \$500 to \$1,000 per offense, but does not appear to apply this fine to the 53-foot trailers. It appears violations involving operation of 53-foot trailers continue as infractions.

Business Logo Signs

By law, the DOT commissioner may issue permits allowing businesses providing fuel, food, lodging, or camping services within specified distances of the highway to have their logos on service information signs erected along the highway. DOT regulations specify the requirements for these permits and other related matters. Logo signs are available on a first come-first served basis with six logos allowed on fuel service signs and four on other service signs. Under current regulations, the first permittee on the sign must pay all of its installation and maintenance costs and subsequent businesses issued permits must reimburse the original permittee a percentage of the installation cost it incurred determined by the DOT assuming a full complement of logos on the sign and a depreciation scale based on a 12-year life cycle for the sign.

The bill requires permittees to be sequentially reimbursed by subsequent permittees in an amount equal to the other permittees on the sign divided by the costs associated with it. DOT's regulations must include provisions on these reimbursements.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute Change of Reference
Yea 22 Nay 0

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0